

REMARKS

Claims 1-8 and 12-14 are presently pending in the application.

At the outset, Applicant wishes to thank Examiner Butler and Primary Examiner Eashoo for the time and courtesy of the telephone interview held with the undersigned on April 13, 2006. Some of the comments and positions taken by the Examiners during the interview are addressed below and in the accompanying Rule 132 Declaration.

Claim 1 has been amended to change “filler” to -- filling material -- in order to provide proper antecedent basis for the “filling material” mentioned in claims 4 and 6. In addition, the structure of the vacuum panel has been more clearly defined to make clear that the filling material fills the envelope formed by the two facing sheets, in order to avoid the Examiner’s attempted reading of the panel on Fig. 15 of U.S. Patent 5,107,649 of Benson. These amendments are supported by the original claims and by the specification, for example in paragraph [0006], as well as the panel 1 shown in Fig. 1 of the drawings. Accordingly, no new matter has been added, and entry of the amendments is respectfully requested.

Submitted herewith is the Declaration of Paolo Manini under 37 C.F.R. § 1.132 (“Declaration”), in support of Applicant’s contentions of non-obviousness of the presently claimed invention. The Declaration is believed to be self-explanatory and will not be repeated here. However, it is believed that the Declaration addresses many of the factual issues raised by the Examiner in the Office Action of December 19, 2005 and prior Office Actions, to which Applicant has previously responded by arguments which have been dismissed by the Examiner, and also addresses some arguments raised by the Examiners during the telephone interview.

In particular, Mr. Manini, an expert in the field of thermo-insulating vacuum panels and the production thereof, meticulously discusses and interprets the prior art relied upon by the Examiner, from the viewpoint of a person skilled in the art of the invention. In addition, Mr. Manini provides factual evidence rebutting the erroneous assumptions and reasoning of the Examiner (see, for example, Declaration paragraphs 11, 12, 14, 15, 16(e), 17, 20, 22, 23, 24 and 26). In addition, Mr. Manini provides facts regarding the consequences of using barrier sheets with a thickness of 100 µm or less (see, Examiner argument 9) at the bottom of page 11 of the

Office Action, as compared to the strong, self-supporting metal profiles of Späth, as discussed by Examiner Eashoo in the telephone interview.

In view of Applicant's arguments in response to previous Office Actions, which are incorporated herein by reference, and the enclosed Declaration of Mr. Manini under 37 C.F.R. § 1.132, it is submitted that all of the claims patentably distinguish over the prior art of record relied upon by the Examiner. Accordingly, reconsideration and an early Notice of Allowance are respectfully solicited.

Respectfully submitted,

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(Date)

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Enclosures – After Final Request for Continued Examination (RCE)
Petition for Extension of Time (one month)
Declaration of Paolo Manini under 37 C.F.R. § 1.132